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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,778	12/29/2000	John H. Lawitzke	IDF 1503 (4000-02900)	8754

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EXAMINER

VINCENT, DAVID ROBERT

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 05/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,778

Applicant(s)

LAWITZKE, JOHN H.

Examiner

David R Vincent

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shani (US 6,023,563) in view of McIntyre (US 6,381,218).

The claims read on a router, a bridge-router, or a device that can do both bridging (forwarding based on MAC addresses, col. 2, lines 20-29) and routing based on IP addresses. Terms such as one or both reads on just one. Terms such as one or more read on one. Shani discloses a router (col. 4, lines 55-60; col. 6, lines 8-15; col. 14, lines 55-66).

As shown in Figs. 1-6, Shani discloses a method for managing data packets (Figs. 1-2) received on a plurality of Ethernet (Ethernet frame structure, Figs. 1-2; IEEE 802.3, col. 2, lines 6-10) ports (port numbers, Table 1, 2b, 2c; 4; col. 6, lines 53-57; col. 9, lines 17-37) in a integrated services hub (not further defined, reads on the physical location (building) of the switch 3-5, Fig. 3; hub is a term

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even airlines use to indicate a physical location) having a WAN interface to the Internet (col. 1 lines 49-59) comprising comparing target (destination) MAC addresses (MDA, col. 2, lines 20-43) of received packets to MAC port numbers (col. 1, lines 23-49).

If the target MAC matches the MAC of the port, routing the packet/frame (if the switch/router itself is the MDA then the switch is being used as a router and will route based on the network layer addresses, read IP addresses, see e.g., cols. 3-4, especially col. 3, line 59-col. 4, line 60; col. 9, lines 17-25; Figs. 4-6),

if the target address (MDA) does not match the port MAC then bridge the packet (NS is not being used as a destination address/router; when the NS, Fig. 3 recognizes that the MDA is that of another device attached to the NS then the NS only has to bridge the frame, col. 9, lines 26-37; col. 10, lines 3-4; col. 14, lines 7-15; Figs. 4-6),

if the target address (MDA) matches a broadcast address (all ones) then forward to all ports (industry standard using IEEE 802.3, is that a broadcast address uses all ones; col. 2, lines 40-43; col. 3, lines 11-17; col. 7, lines 12-19; Fig. 5; col. 11, line 24-col. 12, line 67; Figs. 4-6), a LAN with one computer (Fig. 3; col. 1), IP packets (col. 1, lines 49-59), a central processor having bridging software (processor in switching device and working with ASIC col. 6, lines 64-67; col. 9, lines 26-37; col. 10, lines 3-4; col. 14, lines 7-15; Figs. 4-6), selecting one of bridging means (NS' ability to bridge) and routing means (NS' ability to route). However, Shani

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fails to go into detail about routing into the Internet and therefore fails to particularly call for an interface to the Internet.

McIntyre teaches using a brouter (col. 5, line 64-col. 6, line 20) with an Ethernet (3-2, Fig. 15) and the Internet (col. 5, line 64-col. 6, line 20).


It would have been obvious to add an interface to the Internet because Shani discloses using routing functions (col. 3, line 59-col. 4, line 60; col. 9, lines 17-25; Figs. 4-6) and the Internet (col. 1, lines 49-59). As Shani discloses, it is well known to use IP addresses (network layer addresses) when the destination address is outside the building or remote (and NS is the MDA). Including an interface to the Internet would allow for more applications such as Email and VoIP to remote locations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R Vincent whose telephone number is 703 305 4957. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms can be reached on 703 305 4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David R Vincent
Primary Examiner
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May 12, 2004